

10 May 1977

MEMORANDUM FOR: Deputy Director of Central Intelligence

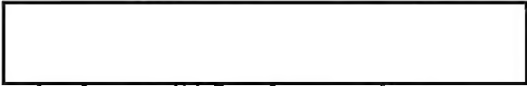
FROM : Anthony A. Lapham
General Counsel

SUBJECT : Delegation to DDCI of Authority to Terminate

1. We have examined the question of whether the Director's authority under Section 102(c) of the National Security Act to terminate the employment of CIA employees may be delegated to the Deputy Director. There is some uncertainty in the area, but it is my judgment that authority may be delegated to the Deputy Director.

2. There is also some question whether the delegation to the Deputy Director, signed by Mr. Bush in July 1976, accomplishes that delegation. This arises primarily from a memorandum by Lawrence Houston in 1964 to the effect that the authority to terminate may not be delegated and the pattern of behavior by succeeding Directors of relying on that opinion, that is, decisions to terminate have been taken only by the Director.

3. In view of these two questions, I believe the safer course at this stage would be for the Deputy Director not to exercise the authority to terminate.


Anthony A. Lapham

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| INITIAL SLIP | | DATE |
| <i>D/DCI for DDA & PERS</i> | | |
| ROOM NO. | BUILDING | |
| REMARKS: | | |
| <i>pls note DCI's COMMENTS</i> | | |
| FROM: <i>SA/ael</i> | | |
| ROOM NO. | BUILDING | EXTENSION |

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

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